

September 23, 2002

Mr. Tim Rooney
Office of Metropolitan Development
7 South 9th St.
Minneapolis MN 55402

Dear Mr. Rooney:

SUBJECT: EXTENSION OF PERIOD OF DECISION FOR 21 N. 15TH ST. BZBA 1/BZA 58, BZV-0324/BZZ-79

Your fax of September 16, 2002 requested an extension to the period of decision for BZBA 1/BZA 58 and BZV 324/BZZ 79, an appeal of the zoning administrator's decision and variances for 21 N 15th St.. As you know, the decision of the Board of Adjustment to approve all the required variances was appealed to the City Council.. The final action denying that appeal was taken on these applications by the City Council and Mayor on May 18, 2001, with publication of that action occurring on May 22, 2001.

The period of decision and requests for extensions are governed by Section 525.40 of the City's Zoning Code, which states:

525.40. Period of decision. *No decision of the zoning administrator or planning director, or zoning approval granted by the city planning commission, board of adjustment or city council, except zoning amendments, shall be valid for a period longer than one (1) year from the date of such decision unless the building permit is obtained within such period and the erection or alteration of a building is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The zoning administrator, upon written request, may for good cause shown grant up to a one- (1) year extension to this time limit.*

In your fax you stated as the reason for requesting the extension:

"I have not been able to proceed with development and construction of the property due to the fact that Mr. Nordley owner of the property 1501 Hawthorne Ave. has filed a lawsuit against my development as well as the City of Minneapolis and therefore we have been unable to proceed with construction. The case is currently waiting to be heard by the court of appeals after the initial ruling in my favor for lack of standing. We filed our brief last week and expect to be heard by November."

Acting as Zoning Administrator, based on good cause shown, an extension to the period of decision for BZBA 1/BZA 58 and BZV 324/BZZ 79 is hereby granted to May 22, 2003.

If you have any further questions, I may be contacted at 612-673-5867.

Sincerely,

David A. Dacquisto
Zoning Administrator

cc: Neil Anderson
Carol Lansing